

REMARKS

Applicants appreciate the Examiner's thorough examination of the subject application and request reconsideration of the subject application based on the foregoing amendments and the following remarks.

Applicants first traverse the appropriateness of making the first office action following the filing of the Request for Continued Examination final. Thus, if the Examiner continues to maintain any rejection of the claims, Applicants respectfully request that the finality of the above-referenced Office Action be withdrawn as being premature.

Claims 1-31, 33-42, 48-56, 58-67 and 69-79 are pending in the subject application. Claims 33-37, 48-56, 59-67 and 69-76 are acknowledged as being allowable by the Examiner. Claims 32, 43-47, 57, 68 and 77-104 were previously canceled.

Claims 1-8, 14, 16, 17, 20-25, 27, 29 and 38-42 stand rejected under 35 U.S.C. §103, and/or 35 U.S.C. §112, second paragraph. The Office Action indicates that claims 9-13, 15, 18, 19, 26, 28, 30 and 31 were objected to as depending from a rejected base claim, however, the Examiner indicated that the claims would be allowable if appropriately re-written in independent form. In view of the Examiner's indication that claim 31 was objected to, Applicants understand that claim 31 would be allowable if appropriately re-written in independent form and also so as to overcome the 35 U.S.C. §112 rejections.

Claims 14, 16 and 17 were canceled, without prejudice as the subject matter of these claims is also reflected in pending claims 15 and 18-19.

Claim 1 was amended so as to include the limitations of claim 9, and claim 9 was canceled in the instant amendment without prejudice.

Claims 2-6, and 20 were amended to reflect the revised wording of amended claim 1.

Claims 10 and 12 was re-written in independent form as suggested by the Examiner so as to include the limitations of one of the base claims, claim 1. Instead of re-presenting each of these claims in independent form for each of the other identified base claims, claims 105-107 were added that correspond to the language of pending claims 2, 5 and 6 and were written so as to depend respectively from claims 10 and 12. As these claims depend respectively from an allowable independent claim, further search and consideration of the new claims is not required and thus entry of these claims into the subject application is respectfully requested.

Claims 11, 15 and 21 were amended so as to reflect changes in dependency due to cancellation of claim 9 or claim 14.

Claim 22 was amended so as to include the limitations of claim 26, and claim 26 was canceled in the instant amendment without prejudice.

Claims 23 and 27-29 were amended to reflect the revised wording of amended claim 22. Claim 31 also was amended to reflect the revised wording of amended claim 22 and thus thereby also address the §112 rejection of claim 31.

Claim 30 was re-written in independent form as suggested by the Examiner.

Claim 38 was amended so that the heat transferring device described therein corresponds to the limitations of such a device as set forth in amended claim 1.

Claims 39 and 40 were amended to reflect the revised wording of amended claim 22.

As to new claims 106-107, see the discussion above regarding claims 10 and 12.

The amendments to the claims are supported by the originally filed disclosure. It also is respectfully submitted that the amendment(s) to the claims does/ do not require further search and consideration and thus, entry of these amendments into the subject application is respectfully requested.

35 U.S.C. §112, SECOND PARAGRAPH REJECTIONS

Claim 31 stands rejected under 35 U.S.C. §112 on the grounds that there are antecedent basis, indefiniteness and/or vagueness concerns with the identified claims. The following addresses the rejections provided by the Examiner.

As provide above, claim 31 was amended to reflect changes in the language of the base claim and thus thereby also address the non-art concerns specifically identified by the Examiner.

Applicants thus believe that the areas of rejection have been identified and addressed in the foregoing amendment.

It is respectfully submitted that claim 31 satisfies the requirements of 35 U.S.C. §112 and, as such, this claim is allowable.

35 U.S.C. §103 REJECTIONS

Claims 1-8, 14, 16, 17, 20-25, 27, 29 and 38-42 stand rejected under 35 U.S.C. §103 as being unpatentable over the cited art for the reasons provided on pages 2-3 of the above-referenced Office Action. Applicants respectfully traverse as discussed below.

As indicated above, claims 14, 16 and 17 were canceled in the foregoing amendment. Thus, Applicants do not believe that the within rejection need be addressed further herein as to these claims.

As indicated above claim 1 was amended so as to include the limitations of claim 9. As also indicated herein, claim 9 contained allowable subject matter and would be allowable if re-written to include the limitations of the base claim (*i.e.*, claim 1) as there is no intervening claims. Accordingly, claim 1 is considered to be allowable over the cited art at least for this reason.

As claims 2-8, 15, and 18-21, each of these claims depends directly or indirectly from claim 1. Thus, claims 2-8, 15, and 18-21 are considered to be in allowable form at least because of their dependency from an allowed base claim.

As indicated above claim 22 was amended so as to include the limitations of claim 26. As also indicated herein, claim 26 contained allowable subject matter and would be allowable if re-written to include the limitations of the base claim (*i.e.*, claim 22) as there is no intervening claims. Accordingly, claim 22 is considered to be allowable over the cited art at least for this reason.

As to claims 23-25, and 28-29, each of these claims depends directly or indirectly from claim 22. Thus, claims 23-25, and 28-29 are considered to be in allowable form at least because of their dependency from an allowed base claim.

As indicated herein, claim 38 was amended so that the heat transferring device limitation therein includes the plurality of flexible thermally conductive members as set forth in "objected to" claim 9. Thus, as-amended claim 38 is considered to be in allowable form at least because of the inclusion of the allowable subject matter from claim 9.

As to claims 39-42, each of these claims depends directly or indirectly from claim 38. Thus, claims 39-42 are considered to be in allowable form at least because of their dependency from an allowed base claim.

It is respectfully submitted that for the foregoing reasons, claims 1-8, 20-25, 27, 29 and 38-42 are patentable over the cited reference(s). Thus, these claims satisfy the requirements of 35 U.S.C. §103 and therefore are allowable.

CLAIMS 9-13, 15, 18, 19, 26, 28, 30 and 31

In the above-referenced Office Action, claims 9-13, 15, 18, 19, 26, 30 were objected to as being dependent upon a rejected base claim. It also was provided in the above-referenced Office Action, however, that these claims would be allowable if rewritten in independent form to include all the limitations of the base claim and any intervening claim(s).

Claims 10, 12, and 30 were re-written in the foregoing amendment so as to be in independent form and to include all the limitations of the base claim there being no intervening claim(s). Accordingly, claims 10, 12 and 30 are considered to be in allowable form.

As to claims 11, 13, 15, 18, 19, and 31, these claims were not re-written in independent form as suggested by the Examiner. Applicants however, reserve the right to later amend the subject application so as to present this/ any one or more of these claims in independent form or to add one or more independent claims that contain the limitations of any one or more of claims 11, 13, 15, 18, 19 and 31.

Claims 9 and 26 were not expressly re-written in independent form as suggested by the Examiner, rather each of claims 9 and 26 were canceled and the limitations thereof were added to the respective related base claim, claims 1 and 22 respectively. Accordingly, claims 1 and 22, as amended, are considered to be in allowable form.

CLAIMS 105-107

As indicated above, claims 10 and 12 was re-written in independent form as suggested by the Examiner so as to include the limitations of one of the base claims, claim 1. Instead of re-presenting each of claims 10 and 12 in independent form for each of the other identified base claims, claims 105-107 were added that correspond to the language of pending claims 2, 5 and 6 and were written so as to depend respectively from claims 10 and 12. As these claims depend respectively from an allowable independent claim, further search and consideration of the new

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claims is not required and thus entry of these claims into the subject application is respectfully requested.

It is respectfully submitted that the subject application is in a condition for allowance.
Early and favorable action is requested.

Because the total number of claims and/or the total number of independent claims post amendment now exceed the highest number previously paid for, the Commissioner is hereby authorized to charge the below identified Deposit Account for the required additional fees. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, the Commissioner is hereby authorized and requested to charge Deposit Account No. **04-1105**.

Respectfully submitted,
Edwards & Angell, LLP

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